

EXHIBIT A

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Attorneys for Defendant
Google Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., Associational
Plaintiff, BETTY MILES, JOSEPH
GOULDEN, and JIM BOUTON, on behalf of
themselves and all other similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 05 CV 8136 (DC)

ECF Case

EXPERT REPORT OF BRUCE S. HARRIS

May 3, 2012

CONFIDENTIAL INFORMATION

I. Scope of work and qualifications

1. I have been asked to describe the custom and practice in the publishing industry with regard to how book content is used to promote sales. This report sets forth my background and the basis for my opinion, which is that Google Books' display of the content of books is consistent with that custom and practice and is likely to benefit authors rather than to harm them.

2. I began my publishing career at The Crown Publishing Group as a salesman, became Marketing Director in 1970 and founded the Harmony Books imprint in 1973. In 1980 I became Director of Publishing for the Crown Group, where we published *The Joy of Sex*, Martha Stewart's *Entertaining*, and Douglas Adams' *Hitchhikers Guide to the Galaxy*, among other notable books.

3. In 1988 I became President of Trade Sales and Marketing at Random House and supervised successful publishing strategies for books by Colin Powell, Tom Peters, and hundreds of other bestsellers. In 1999 I became Publisher-COO at Workman Books and designed and executed campaigns for N.Y. Times Bestsellers: *1,000 Places To See Before You Die* by Patricia Schultz, *Younger Next Year* by Chris Crowley and Henry S. Lodge and *The French Laundry Cookbook* by Thomas Keller and Deborah Jones. I became a consultant in 2004 and have worked for both authors and publishers in many capacities, specializing in marketing and sales. In the last two years I have worked with authors to set up independent publishing companies and have established publishing divisions for Anomaly Productions and The Cooking Lab, to name two.

4. I am the former chair of the Trade Committee of the American Association of Publishers and a past president of the Publisher's Lunch Club. I am a senior faculty advisor at the Yale Publishing Course and have taught at the Stanford University Publishing Course; I lecture frequently at Pratt Institute and Pace University on publishing topics. My topic at the Yale Publishing Course is how to cope with the severe disruption that is occurring in publishing today as a result of changing technology. My CV is attached to this report as Exhibit A. I am being compensated at a rate of \$450 per hour for my work. My compensation is not contingent on my opinion or the result in this case. A list of materials provided by counsel for Google Inc.

that I considered in the preparation of this report is attached as Exhibit B; other materials I considered are cited herein. A list of the matters in which I have provided expert testimony is attached as Exhibit C.

II. Google Books

5. Google has scanned more than 20 million books, which users may search using Google's search engine.¹ For some books that are subject to copyright, a user's search may return a "snippet" of text, which is about an eighth of a page in length.² With snippets, Google provides links to bookstores where a user can buy the book found by the search.³ Google uses technical devices to prevent users from viewing a full book page or from compiling a book out of snippets.⁴ Google does not display snippets for reference works such as dictionaries.⁵

6. More than 45,000 publishers have signed up to be part of Google's "Partner Program." Publishers of books in this program have given Google permission to display more text than is contained in snippets. Over 2.5 million books are in this program.⁶

III. It is important to authors that their works be easy to find but the marketplace is increasingly crowded

7. Discoverability is one of the most important factors in an individual title's chance of success. Getting noticed can mean sales and sales are the primary way that authors can increase their royalties and income. Authors benefit when books are easy to find but it is getting

¹ Declaration of Daniel Clancy in Support of Google's Opposition to Plaintiffs' Motion for Class Certification ("Clancy Decl."), ¶4.

² Clancy Decl., ¶2.

³ Clancy Decl., ¶2.

⁴ Clancy Decl., ¶8, ¶10.

⁵ Clancy Decl., ¶9.

⁶ Clancy Decl., ¶6. I also understand that Google has scanned books from some libraries and that a library that has given Google a book to scan may choose to download a copy of that scan. Defendant Google Inc.'s Supplemental Narrative Responses and Objections to Plaintiffs' Second Request for Production of Documents and Things, November 2, 2011, p. 8.

more and more difficult to draw the public's attention to any particular title. There is so much static that most authors are finding it increasingly difficult to get noticed.

8. The most recent and most reliable projection is that over three million books were published in the U.S. in 2010.⁷ At the same time, bookstore sales have declined since 2007.⁸ In general, increases in sales of e-books have not as yet offset declines in print sales.⁹ One publisher reports that the average U.S. nonfiction book is now selling fewer than 3,000 copies over its lifetime.¹⁰ The averages are skewed by a relatively small number of bestsellers; very few titles are big sellers.

9. The business has changed in the digital age. For one thing, the overwhelming majority of books never see the inside of a bookstore. One publisher estimates that up to 1,000 or more titles may compete for space on a bookstore's shelf.¹¹ As sales migrate to e-books and shopping migrates to e-bookstores, the methods that readers use to select books are also changing. *Publishers Weekly* recently published a graph showing how readers find, or "discover" a book. While personal recommendations are still the most popular method, search engines now account for over 20% of buying decisions—almost the same percentage of sales attributable to advertising.¹²

IV. The publishing industry traditionally has made royalty-free promotional uses of content to increase interest in and sales of books

10. For decades publishers and authors have promoted books by giving away material from inside the book to increase buyer awareness and influence sales. These promotional uses of partial texts can take many forms. One of the most well known is to use sentences or paragraphs

⁷ May 18, 2011 Bowker Report, available at http://www.bowker.com/en-US/aboutus/press_room/2011/pr_05182011.shtml. This report is Bowker's estimate based on preliminary data.

⁸ Jim Milliot, *Bookstore Sales Slipped in 2011*, *Publisher's Weekly*, February 17, 2012.

⁹ Jim Milliot, *The Evidence Mounts*, *Publishers Weekly*, March 5, 2012.

¹⁰ <http://www.bkpextranet.com/AuthorMaterials/10AwfulTruths.htm>.

¹¹ <http://www.bkpextranet.com/AuthorMaterials/10AwfulTruths.htm>

¹² Jim Milliot & Judith Rosen, *Moving Toward A Hybrid Market*, *Publisher's Weekly*, January 20, 2012.

of an author's words on the jacket flaps of hard cover books or the back covers or opening pages of paperbacks. Two examples of this kind of use are attached as Exhibit D.

11. When publishers are promoting books they sometimes print chapters or short excerpts and distribute those in advance to bookstores and influential readers hoping that by offering a taste of the contents they will raise interest and get people interested in reading more and carrying the book in their stores. Publishers and authors also print excerpts of books to be sent to select lists of people or given away at bookstores or fan gatherings. An example of such an excerpt is attached as Exhibit E. Entire chapters of a book also may be distributed. An example of such a chapter is attached as Exhibit F.¹³

12. Publishers of illustrated books including cookbooks make "blads" showing the table of contents and selected recipes and give these blads away to create interest and increase sales. When I published *Entertaining* by Martha Stewart, for example, we featured some of her recipes to give readers a taste of the books contents and style. Attached as Exhibit G is a promotion piece illustrating a promotional use of this type of content.

13. Publishers' publicity departments and authors strive to get their content onto widely read websites and often offer free tastes in the form of recipes or other content from their books at no charge. Attached as Exhibit H is an example from the Huffington Post about a new cookbook which features five recipes that the author is letting readers have for free to give them a taste so they will try them and then buy her book. This is essentially an online blad. Clicking on one of the links in Exhibit H takes a reader to a recipe.

14. In sum, publishers and authors today realize that they must do a lot of promotion to get attention. In today's very crowded marketplace the traditional ways of getting attention—newspapers, radio and television—are less and less interested in authors unless they are celebrities; the ordinary writer must find other ways to get noticed. The display of snippets in

¹³ The Authors Guild gives similar advice to its members with respect to books they wish to get back in print. Deposition of Paul Aiken at 175-76 (April 19, 2012).

Google Books, and the display of more text for books in the Partner Program, is consistent with publishing industry custom and practice in using a book's content to increase awareness and potentially increase sales of a book.

V. Authors earn money from selling books and becoming well known, not from having their work searched

15. Authors and publishers have long believed that allowing customers to look through books helps drive sales. Before the Internet the usual way of buying books involved visiting a bookstore to either select a particular title or to browse the many titles available. I have closely observed bookstore customers' behavior for over 50 years. Most people look at the array of book covers and then pick up titles that may interest them for one reason or another. Almost invariably bookstore customers look at front covers first, then the back cover; if they are still interested they usually open the book and read a few paragraphs to see if they think the book is worth purchasing.

16. I see Google's use of content as serving a similar purpose, in that it helps a prospective consumer evaluate whether the book is of interest to him. At the same time, Google has been careful to make sure that snippets cannot be used to piece a whole book together, so if the reader wants more he will be required to buy the book and thus provide revenue to the author and publisher.¹⁴

17. I think that search methods such as Google Books or Amazon's "Search Inside The Book" help prospective customers make the decision to purchase a book that they have digitally browsed. In my opinion, just as authors do not expect to be paid as people browse their books in bookstores, so they should not and indeed do not expect to be remunerated for digital browsing. Neither authors nor publishers get paid from Internet searches such as the Huffington Post and Amazon examples mentioned above. Rather, authors and publishers hope that the search will result in eventual sales.

¹⁴ Clancy Declaration, ¶8.

18. Like browsing, searching through a book and receiving snippets of text around a search term is not taking something from the author. It is a promotional way of increasing consumers' ability to locate and purchase books that are of interest to them, which in turn creates income for both publishers and writers. As the history and examples discussed above show, in the publishing industry, you don't try to charge people money for doing things that might help you make a sale.

³
Dated: May 4, 2012



Bruce S. Harris

Exhibit A

Bruce Harris Books

BHB

Publishing Strategist

Bruce@BruceHarrisBooks.com 917.403.9792

• Home

► Bio

• Services

• Clients

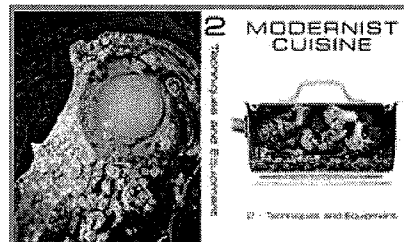
• FAQ

• Contact



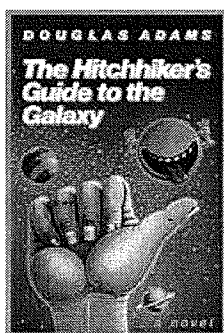
Bruce Harris Bruce Harris began his publishing career at The Crown Publishing Group where he published *The Joy of Sex*, Martha Stewart's *Entertaining*, Douglas Adams *Hitchhikers Guide to the Galaxy*, Maurice Sendak's *Nutcracker* and founded the Harmony Books imprint. He became President of Trade Sales and Marketing at Random House and supervised successful publishing strategies for books by Colin Powell, Tom Peters, and hundreds of other best-sellers.

He became Publisher-COO at Workman Books and designed campaigns for *1,000 Places To See Before You Die* by Patricia Schultz, *Younger Next Year* by Chris Crowley and Henry S. Lodge and *The French Laundry Cookbook* by Thomas Keller and Deborah Jones



Recently, he has supervised the independent publication of *Joy At Work* by Dennis Bakke, *The Risk Takers* by Don and Renee Martin, *Poor Richard's America* by Tom Blair and *Modernist Cuisine* by Nathan Myhrvold. Three of those titles became national best-sellers although not published by major publishing houses.

He has also advised several children's book publishers including Birdcage Press and was instrumental in the launch of Downtown Kids Books, now distributed by Simon and Schuster.



Bruce has wide contacts in the publishing industry and has consulted for AA Knopf, My Family.Com, W.W. Norton, Hyperion Books, Andrews McMeel Publishing, Budget Travel Magazine and Time Inc.

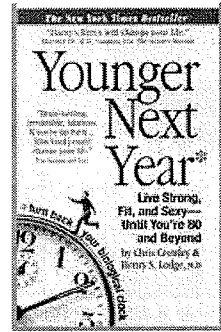
He will be a featured speaker at the Yale Publishing Course in July, 2011.

He received a BA from NYU College of Arts and Sciences. He was chair of The Trade Committee of AAP and a past president of The Publisher's Lunch Club. Bruce taught at the Stanford University Publishing Course and frequently lectures at Pratt Institute and Pace University.

BHB

Bruce occasionally blogs on *The Huffington Post*.

Bruce and his wife **Rosemary** built and maintain a library at the Chalula school in Mvumi, Tanzania. Bruce is on the board of **Friends of African Village Libraries**. He has 3 sons and loves reading, running and volunteering for Habitat for Humanity...



[Client List](#)

[Upcoming Appearances](#)

[Contact](#)

Copyright Bruce Harris 2011

Designed by Catherine Cairns

Exhibit B

LIST OF MATERIALS CONSIDERED

1. 10.14.2011 Fourth Amended Class Action Complaint
2. 12.09.2011 Google Inc.'s Supplemental Narrative Responses to Second Request for Production of Documents
3. 12.12.2011 Memorandum of Law in Support of Plaintiffs' Motion for Class Certification
4. 12.12.2011 Declaration of Joanne Zack in Support of Plaintiffs' Motion for Class Certification
5. 12.15.2011 Transcript of Deposition of Jim Bouton (with exhibits)
6. 01.04.2012 Transcript of Deposition of Betty Miles (with exhibits)
7. 01.06.2012 Transcript of Deposition of Joseph Goulden (with exhibits)
8. 02.08.2012 Declaration of Hal Poret in Support of Google Inc.'s Opposition to Plaintiffs' Motion for Class Certification
9. 02.08.2012 Declaration of E. Gabriel Perle in Support of Google Inc.'s Opposition to Plaintiffs' Motion for Class Certification
10. 02.08.2012 Declaration of Daniel Clancy in Support of Google Inc.'s Opposition to Plaintiffs' Motion for Class Certification
11. 02.08.2012 Defendant Google Inc.'s Opposition to Motion for Class Certification
12. 02.08.2012 Declaration of Joseph C. Gratz in Support of Google Inc.'s Opposition to Plaintiffs' Motion for Class Certification
13. 02.10.2012 Transcript of Deposition of Daniel Clancy (with exhibits)
14. 02.14.2012 Transcript of Deposition of Stephane Jaskiewicz (no exhibits)
15. 03.19.2012 Transcript of Deposition of E. Gabriel Perle (with exhibits)
16. 03.22.2012 Transcript of Deposition of Hal Poret (with exhibits)
17. 04.03.2012 Transcript of Deposition of Eric Zohn (no exhibits)
18. 04.03.2012 Reply Memorandum of Law in Support of Plaintiffs' Motion for Class Certification
19. 04.03.2012 Reply Declaration of Joanne Zack in Support of Plaintiffs' Motion for Class Certification
20. 04.19.2012 Transcript of Deposition of Paul Aiken (no exhibits)

Exhibit C

OTHER MATTERS IN WHICH TESTIMONY PROVIDED

Warner Brothers Entertainment Inc. v. RDR Books,
Case No. 07-CV-9667 (S.D.N.Y. Oct. 31, 2007)

Exhibit D

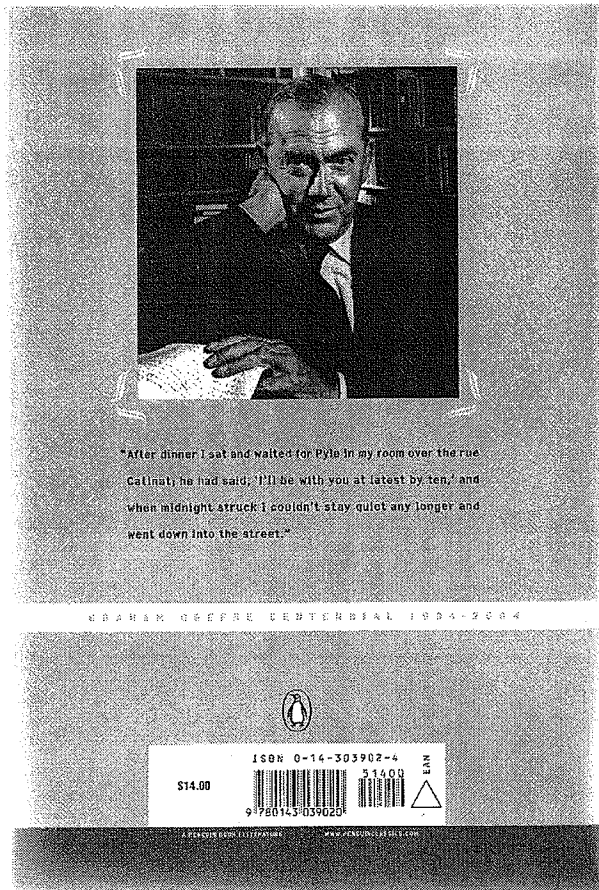
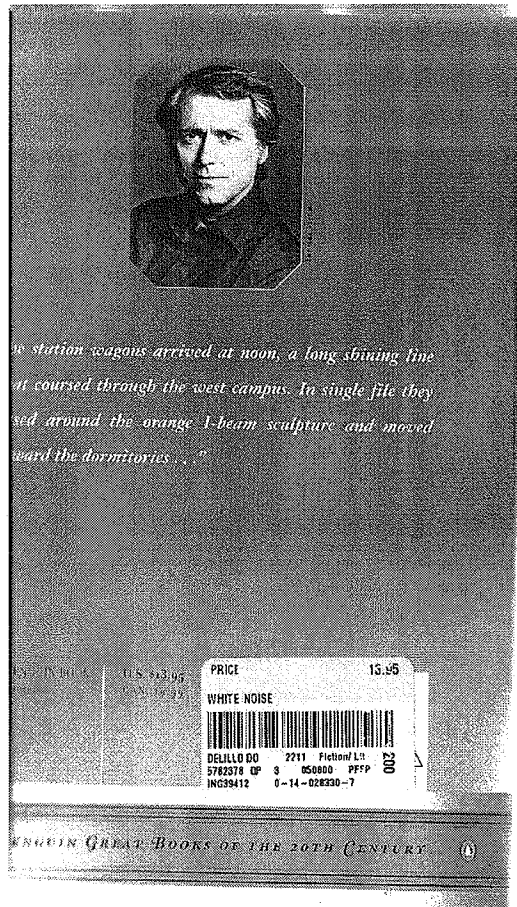
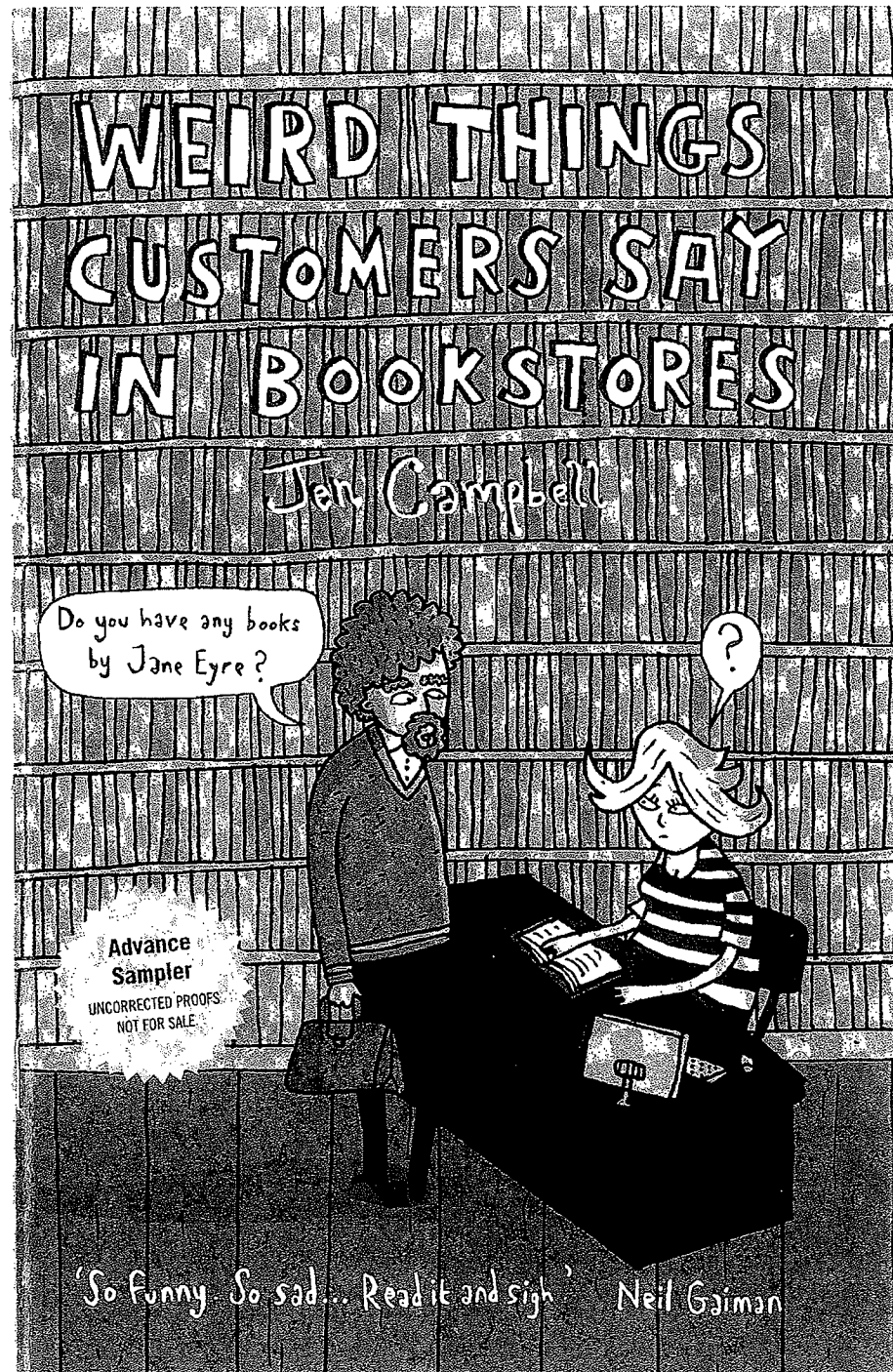


Exhibit E



A SELECTION FROM

WEIRD
THINGS
CUSTOMERS
SAY IN
BOOKSTORES

Jen Campbell

Illustrated by the Brothers McLeod



THE OVERLOOK PRESS
NEW YORK, NY

JEN CAMPBELL

LITERARY PURSUITS

CUSTOMER: Do you have any books by Jane Eyre?

◆

CUSTOMER: Do you have a copy of *Nineteen Eighty Six*?

BOOKSELLER: *Nineteen Eighty Six*?

CUSTOMER: Yeah, Orwell.

BOOKSELLER: Oh – *Nineteen Eighty Four*.

CUSTOMER: No, I'm sure it's *Nineteen Eighty Six*; I've always remembered it because it's the year I was born.

BOOKSELLER: . . .

◆

CUSTOMER: Excuse me, do you have any signed copies of Shakespeare plays?

BOOKSELLER: Er . . . do you mean signed by the people who performed the play?

CUSTOMER: No, I mean signed by William Shakespeare.

BOOKSELLER: . . .

◆

CUSTOMER: Do you have a copy of *Mrs. Dalloway*, but, like, really old—so from, like, 1850?

BOOKSELLER: . . .

2

JEN CAMPBELL



CUSTOMER: Did Beatrix Potter ever write a book about dinosaurs?

◆

CUSTOMER: I don't know why she wants it, but my wife asked for a copy of *The Dinosaur Cookbook*.

BOOKSELLER: *The Dinah Shore Cookbook*?

CUSTOMER: That must be it; I wondered what she was up to.

◆

CUSTOMER: Where do you keep *Hamlet*? You know 'to be or not to be'? Is it in philosophy?

◆

WEIRD THINGS CUSTOMERS SAY IN BOOKSTORES

CUSTOMER: Do you have any old copies of Dickens?

BOOKSELLER: We've got a copy of *David Copperfield* from 1850 for £100.

CUSTOMER: Why is it so expensive if it's that old?



CUSTOMER: I'm looking for a biography to read that's really interesting. Could you recommend one?

BOOKSELLER: Sure. What books have you read and liked?

CUSTOMER: Well, I really loved *Mein Kampf*.

BOOKSELLER: . . .

CUSTOMER: Loved is probably not the right word.

BOOKSELLER: No. Probably not.

CUSTOMER: Liked, is probably better. Yes. Liked. I liked it a lot.

BOOKSELLER: . . .



JEN CAMPBELL

YOU WANT WHAT?

CUSTOMER: Do you have any medical textbooks?

BOOKSELLER: Sorry, no. They go out of date so quickly we don't stock them, but I can order one in for you.

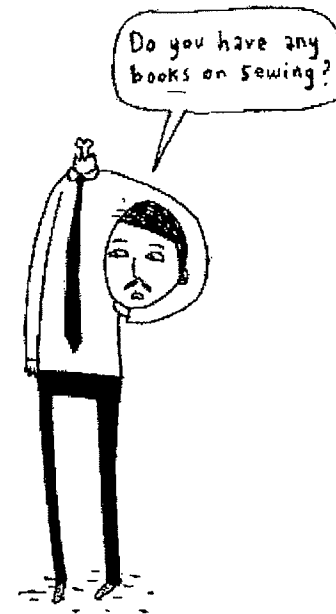
CUSTOMER: I'm not worried about it being in date.

BOOKSELLER: Does your university not request you have a specific edition?

CUSTOMER: Oh, I'm not a medical student, I just want to learn how to do stitches.

BOOKSELLER: . . . Right.

CUSTOMER: Do you have a book on sewing, instead?



◆
CUSTOMER: I read a book in the sixties. I don't remember the author, or the title. But it was green, and it made me laugh. Do you know which one I mean?

◆
CUSTOMER: Do you have a book of mother-in-law jokes? I want to give it to my mother-in-law as a joke. But, you know, not really as a joke at all.

WEIRD THINGS CUSTOMERS SAY IN BOOKSTORES



CUSTOMER: Do you have this book (*holds up a biography*) but without the photographs?

BOOKSELLER: I think the photographs are published alongside the text in every edition.

CUSTOMER: Why?

BOOKSELLER: I suppose so you can see what everyone looked like.

CUSTOMER: I don't like photographs.

BOOKSELLER: Ok.

CUSTOMER: Could you cut them out for me?

BOOKSELLER: . . .



CUSTOMER: Do you have a copy of *Jane Eyre*?

BOOKSELLER: Actually, I just sold that this morning, sorry!

CUSTOMER: Oh. Have you read it?

BOOKSELLER: Yes, it's one of my favorite books.

CUSTOMER: Oh great (*sits down beside bookseller*). Could you tell me all about it? I have to write an essay on it by tomorrow.



JEN CAMPBELL



CUSTOMER: Some of these books are dusty . . . can't you vacuum them?



CUSTOMER: I've forgotten my glasses, could you read the beginning of this book to me to see if I like it?



CUSTOMER: Do you have a book that has a list of aphrodisiacs? I've got a date on Friday.



CUSTOMER (*holding up a Jamie Oliver cookbook*): Would you mind if I photocopied this recipe?

BOOKSELLER: Yes, I would.

WEIRD THINGS CUSTOMERS SAY IN BOOKSTORES

CUSTOMER: Do you have anything in this shade of green, to match the wrapping paper I've bought?



CUSTOMERS: Do you have any pop-up books on sex education?



CUSTOMER: Do you have any second hand crosswords?

BOOKSELLER: You mean crosswords that have already been filled in?

CUSTOMER: Yes. I love crosswords, but they're so difficult.



CUSTOMER: What books could I buy to make guests look at my bookshelf and think: 'Wow, that guy's intelligent'?



JEN CAMPBELL

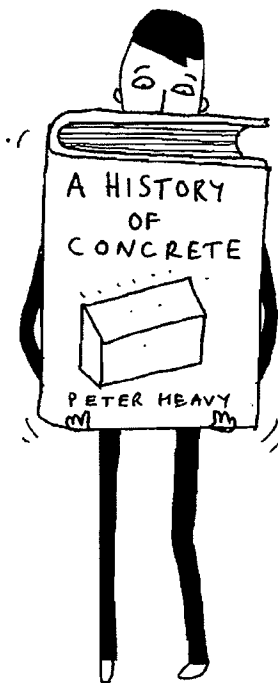
CUSTOMER: I'm always on night shift at work.

BOOKSELLER (*jokingly*): Is that why you're buying so many vampire novels?

CUSTOMER (*seriously*): You can never be too prepared.

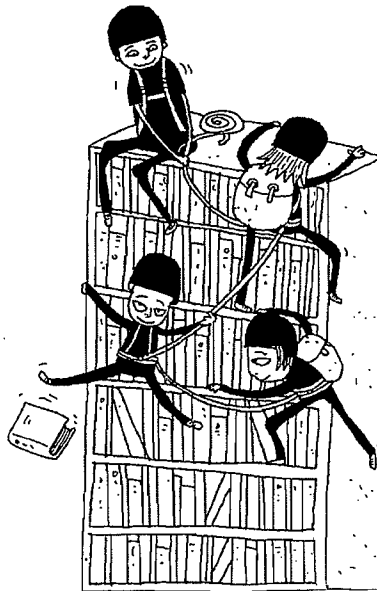


CUSTOMER: I'd like to buy your heaviest book, please.



WEIRD THINGS CUSTOMERS SAY IN BOOKSTORES

PARENTS AND KIDS



CUSTOMER: My children are climbing your bookshelves. That's ok, isn't it? They won't topple over, will they?



(Customer comes into the store with her five-year-old son.)

CUSTOMER: Come on, Alfie, take your shoes off.

BOOKSELLER: It's ok . . . you don't have to take your shoes off to come into the bookstore.

CUSTOMER: Please don't encourage him. I'm trying to train him to remember to take his shoes off in the house because we got new carpets. The more he does it, the more he'll remember.

JEN CAMPBELL

CUSTOMER: I'm just going to pop to the supermarket to do the weekly shopping. I'm just going to leave my sons here, is that ok? They're three and five. They're no bother.

◆

CUSTOMER: Do you have a book on the Enlightenment?

BOOKSELLER: Sure.

CUSTOMER: Excellent. My son's just about to start studying it at school. It's all about the light bulb being invented, isn't it?

◆

BOY: Mommy, can I have this book?

WOMAN: Go and see if your dad will buy it for you.

BOY: Dad! Mommy says if you don't buy me this book, then you can't sleep in her bed tonight!

ISN'T IT OBVIOUS?

CUSTOMER: Are all of your books for sale, or just some of them?

◆

CUSTOMER: Do you have a copy of *Bridget Jones: The Edge of Reason*? I can't see it on the shelf.

BOOKSELLER: I'm afraid we don't, but I can order it for you, and it'll be here in the next forty-eight hours. We could even post it to you if you'd like?

CUSTOMER: I don't trust the post office. Could you fax it instead?

WEIRD THINGS CUSTOMERS SAY IN BOOKSTORES

CUSTOMER: This might be a stupid question, but do you sell milk?

CUSTOMER: Do you sell lottery tickets?

CUSTOMER: Do you sell screwdrivers?



CUSTOMER: Do you have Philip Pullman's *The Book of Dust*?

BOOKSELLER: No, I don't think a publication date has even been set for that book yet.

CUSTOMER: I know, it's just I thought you might already have a copy, considering you're an antiquarian bookstore.

BOOKSELLER: . . . Antiquarian means old. We don't have books, you know, from the future.

CUSTOMER: Ah.



CUSTOMER: Where are your fictional novels?



CUSTOMER: What kind of bookstore is this?

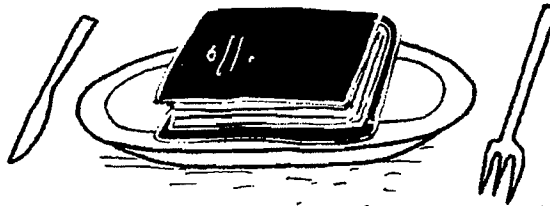
BOOKSELLER: We're an antiquarian bookstore.

CUSTOMER: Oh, so you sell books about fish.

JEN CAMPBELL

CUSTOMER: Is this book edible?

BOOKSELLER: . . . No.



WELL EXCUSE ME

CUSTOMER: What's your name?

BOOKSELLER: Jen.

CUSTOMER: Hmmm. I don't like that name. Is it ok if I call you something else?



CUSTOMER: Have you read every single book in here?

BOOKSELLER: No, I can't say I have.

CUSTOMER: Well you're not very good at your job, are you?



(an old lady approaches the till)

CUSTOMER: Yes? What do you want?

WEIRD THINGS CUSTOMERS SAY IN BOOKSTORES

BOOKSELLER: Erm, I rather thought that I might be able to help you.

CUSTOMER: Don't be ridiculous. Do I look as if I need your help . . . ?



CUSTOMER: Do you have security cameras in here?

BOOKSELLER: Yes.

CUSTOMER: Oh. *(customer slides a book out from inside his jacket and places it back on the shelf)*



BOOKSELLER: Hi, can I help you at all?

CUSTOMER: I don't give a damn about books—they bore me.

BOOKSELLER: I'm not sure you're in the right place, then.

CUSTOMER: No, I am. I just wanted to ask what specific color you painted your bookshelves? I love this color. I mean, the right color can make books look more appealing, can't it?

BOOKSELLER: Can it?

CUSTOMER: And the smell of the paint takes away the smell of the books, too. Which is also a plus.



CUSTOMER: Do you have the time?

BOOKSELLER: Yes. It's just after four o'clock.

CUSTOMER: No, it isn't.



JEN CAMPBELL

Phone rings.

BOOKSELLER: Hello.

CUSTOMER: Hi. I was wondering if you could help me. I'm looking for a book for my niece. She's six and I've no idea what to buy her.

BOOKSELLER: Sure. What kinds of things is she in to?

CUSTOMER: I don't really know. I don't see her very often—my sister lives abroad.

BOOKSELLER: Ok, what's her name?

CUSTOMER: Sophie.

BOOKSELLER: Ah, well, have you considered the Dick King Smith *Sophie* series? There's even a book called *Sophie's Six*.

CUSTOMER: Ok, sure, that sounds like a good idea.

BOOKSELLER: Do you want me to double check that we have those in stock? I'm pretty sure we do.

CUSTOMER: No, it's ok. I'm just going to order them online.

BOOKSELLER: But . . . we just gave you the recommendation.

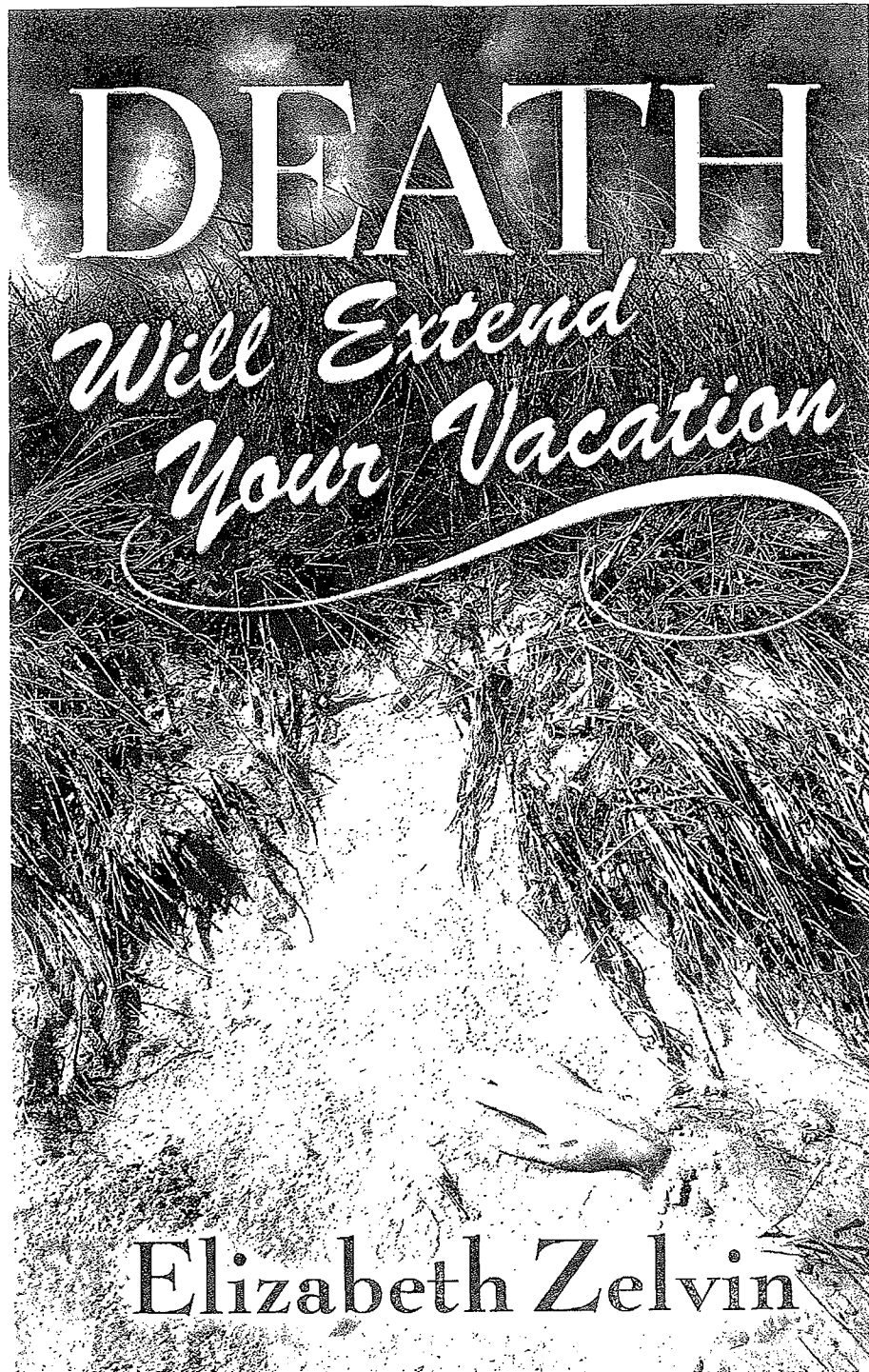
CUSTOMER: I know, and I appreciate it. It's such a pain Amazon doesn't have a function for that. But I know I can rely on you guys for advice.

BOOKSELLER: . . .

◆

CUSTOMER: I tell you something, you must get some odd requests, working here.

Exhibit F



DEATH WILL EXTEND YOUR VACATION

Elizabeth Zelvin

Chapter One

"I'll fry!" My best friend Jimmy cast an apprehensive glance at the cloudless sky.

"You couldn't fry an egg on the beach at this hour." His girlfriend Barbara went on slathering sun block across his broad, freckled back.

"It's the crack of dawn," Jimmy said. "I want to be asleep. I want to be back in Manhattan in my air conditioned apartment."

"You know, most people consider a summer share in the Hamptons a treat," Barbara said, "not an ordeal. If we don't get a move on, half the day will be gone." She wiped goo off her hands along the sides of his arms and stepped back to contemplate her work.

"Very artistic," I said.

Mistake. She turned on me.

"Bruce, put the rest of that coffee in the thermos, don't tank up on it."

"You wanted me awake, didn't you?" I chugged the last half inch of java. The cup had a ceramic frog in the bottom. Group house decorating. "Okay, okay, I'll make more. One picnic breakfast on the beach, coming up."

"Want me to do your back too?" Barbara wagged the big tube of sun block.

"Save it for Jimmy." I skipped away from her. Jimmy can turn as red as a lobster in a pot of boiling water in about the same time as it takes the lobster.

Twenty minutes later, Barbara had us loaded up like Sherpas. You'd think we were about to scale K2. Bounding out onto the deck like a mountain goat, she raised both arms to the sun. She took a deep lungful of air, then exhaled with a loud "Ahhhhhhh!" in case we missed the point. The house smelled of mildew to me. Outside, I admit the mix of salt and flowers beat the stink of the city back home. We trailed her down the winding path, crunching gravel and broken shells underfoot.

Barbara reached the car and started it up so she could roll all the windows down. She popped the trunk as we arrived. Jimmy and I began to divest. Beach chairs, umbrella, tatty old bedspread for a

interesting ethnic genes or a world class tan and a great hairdresser.”

“Oh, yeah,” I said, “the Botticelli Venus.” The one I had watched more closely the night before at dinner than I was ready to admit to Barbara or Jimmy.

“Thank her for the bagels,” Barbara mumbled through a full mouth. “She runs. She said she’d pick them up early, drop them off, and head for the beach.”

I looked out the window. We emerged into farmland from the scrub oak and pine that surrounded the group house. Mist rose gently in the nippy air from fields of corn and potatoes. A couple of teenagers on horses ambled along the grassy side of the road. In the yards of weathered gray cedar houses, a few straw-hatted gardeners crouched among the flowers, weeding in the cool of the day. Now and then I caught a sparkling glimpse of the bay. As we neared the ocean, the landscape changed to wetlands, then to dunes.

“Jimmy, look for a sandy road to the right,” Barbara said. “That’ll be Dedhampton Beach. There’s no sign. I heard somebody changed it to Deadhampton, D-E-A-D, and the sign got stolen in less than a week.”

Zelvin, Death Will Extend Your Vacation

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The dunes didn't leave much of a road. Jimmy gave a yelp as we passed it. Barbara made a wide U-turn and aimed the car between stands of tall grasses and reeds so close their fuzzy heads thrust through the window. A fat tuft tickled my nose. I sneezed.

"Gesundheit," Barbara said. "And here we are." She swung the wheel with a flourish. The car stopped with its nose in a dune.

"Where's the ocean?" I said.

"No boardwalk?" Jimmy said.

"We're in the country." Barbara flung up the lid of the trunk and loaded us up again.

"Why do Irish mothers pray for sons, Mr. Jones?" Jimmy asked.

"Because we make such good pack animals, Mr. Bones."

"Here, give me that." Barbara snatched up the only thing I really wanted, the thermos of coffee, from the top of Jimmy's pile. "Come on!" She danced away, slipping a little on the hill of sand.

"No cars in the parking lot," Jimmy observed as we trudged after her. "We're the only fools not still asleep at this hour."

"What about the ginger snap?" I asked.

"Surely she wouldn't come all this way on foot," he said. Jimmy emerges from behind his computer only after prolonged prodding. He says walking is for Luddites.

"I told you," Barbara said, "she's a runner. It's only about four miles." She crested the dune and stood backlit with the edges of her frizzy dark hair glowing like a halo. "Oh, wow, look—it's so beautiful!"

We reached the top right behind her, Jimmy breathing heavily and me pretending not to. I looked where she was looking.

Okay, it was beautiful. The deserted beach stretched right and left, with the jade Atlantic beyond it. The sun, still low over the water, turned the sand to a warm pink. A ruffle of dark seaweed and scattered shells marked the high tide line. Below it, the beach looked perfect for running if you liked strenuous. I wouldn't mind a stroll on it myself. The flat, wet surface picked up the robin's egg blue of the sky. The surf was no big deal, baby swells that pushed a swathe of creamy bubbles up onto the beach and then ran out again with a whisper.

Barbara clutched at Jimmy's arm for balance as she

Zelvin, *Death Will Extend Your Vacation*

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shook her sandals off her feet. She wiggled her toes in the sand.

"Ooooh, that feels good. Let's go." She frisked around us like a puppy as we made our way toward the water. "Here, this is good—a front row view of the ocean, but the sand is still soft. No, don't park the stuff near the seaweed—that's where the flies will be."

Jimmy threw his head up like a shying horse. She hadn't mentioned flies when she talked us into this beach house share.

Jimmy and I set up the chairs, dug in the pole of the umbrella, and flapped the blanket. Barbara went and paddled in the water. Little screams announced the temperature: too cold for me. She splashed around till we'd done all the work. Then she trotted back to us. "It's not cold once you get used to it. Come and wade. It's great!"

"You're out of your mind," Jimmy said. "I'm not so much as rolling up my pants."

"Then come for a walk. It's really hard packed, practically like a sidewalk."

"Have a heart, pumpkin," Jimmy said. "I need to catch my breath."

"Let's have breakfast first," I said. I located the coffee and the Styrofoam cups, poured out two shots, and handed one to Jimmy.

"Give me another bagel," Barbara said. "I can't sit still. I'm going to take a little jog. See way down the beach? There." She pointed to the left. "About halfway to where it gets misty, above the waterline. It looks like a driftwood log. It won't take long to run up to it and back."

Holding the bagel in her teeth, she stripped off her shorts and T-shirt. She wore a bathing suit underneath, a serviceable black tank. Jimmy and I hadn't even taken off our sweatshirts, much less our long pants.

"Where do you plan to put the bagel?" I inquired. "You're not going to run the whole way with it in your mouth, are you?"

Barbara shook her head. She plucked the bagel from her mouth and tucked it into her cleavage. "Back in twenty minutes or so."

"Have fun."

We drank our coffee and watched her skim along the hard sand with an occasional leap like an exuberant gazelle.

Zelvin, *Death Will Extend Your Vacation*

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We had just about finished our coffee when we heard Barbara yell. She came racing toward us like a steam engine. We heard the urgency in her cries before we could make out words. We ran down the beach to meet her.

"It wasn't a log," she panted. She bent over from the waist, trembling on stiff legs and trying to catch her breath. "It was Clea, and she's dead."

DEATH WILL EXTEND YOUR VACATION

Elizabeth Zelvin

Recovering alcoholic Bruce Kohler and his friends, computer genius Jimmy and world-class codependent Barbara, take shares in a clean and sober group house in a Long Island resort community known locally as Deadhampton. Things turn lethal when the tide washes in the body of their beautiful housemate Clea, an investigative journalist whose passions included environmental issues and more than her share of boyfriends. Soon Bruce is up to his neck in sleuthing. His housemates and the crowd staying with a clean and sober playboy in a big house on the dunes claim recovery from drug, love, and sex addictions, compulsive overeating, bulimia, and anorexia. But somebody's not abstaining from murder. As the summer heats up, secrets and lies start buzzing around this dream vacation like flies at a picnic on the beach.

"A perfect vacation book! Full of heart, full of humor—this honest and believable mystery put its straight-talking characters into a real page-turner of a plot. Suspense plus insight plus compassion—equals a great read!"

Hank Phillippi Ryan, Agatha, Anthony, & Macavity winner

"Empathetic and insightful, Elizabeth Zelvin celebrates the power of recovery against the backdrop of a holiday in the Hamptons. Well-drawn characters written with verve. Zelvin knows the human heart and all its struggles."

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"The Hamptons plus a juicy murder, with the added twist of addiction and recovery—what more could the intelligent mystery reader want?"

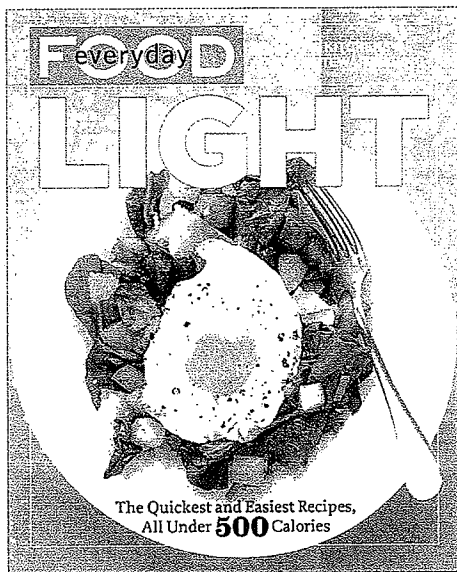
Rhys Bowen, multiple Anthony, Macavity, & Agatha winner

Library Journal on *Death Will Get You Sober*: "Smooth prose and outstanding storytelling ability...remarkable and strongly recommended."

Elizabeth Zelvin is a psychotherapist and three-time Agatha nominee whose previous mysteries are *Death Will Get You Sober* and *Death Will Help You Leave Him*. She lives in New York City and East Hampton. Learn more at www.elizabethzelvin.com.

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Everyday Food: Light

The Quickest and Easiest Recipes,
All Under 500 Caloriesfrom the kitchens of *Martha Stewart Living*

For the fans of the *Everyday Food* books (nearly 1 million copies in print) and the 4.5 million readers of *Everyday Food* magazine comes a new topic for the series, with 250 recipes that are low in calories but still big on flavor.

The editors of *Everyday Food* know it's not enough for home cooks to prepare tasty weeknight meals in a flash—the food also needs to be good for the whole family. *Everyday Food: Light* features delicious, low-fat recipes, each under 500 calories, that are made with accessible ingredients. True to the series' trademark, each recipe is accompanied by beautiful color photography to keep readers inspired and cooking light every day of the week. The recipes, which are organized seasonally, include salads, soups, stews, main courses, easy sides, and desserts. You'll find slimmed-down favorites, such as Lighter Beef Chili, Chicken Parmesan, and deceptively skinny Chocolate-Chunk Brownies, plus new favorites like Spicy Chicken Stir-Fry with Peanuts and Salmon Burgers with Yogurt-Dill Sauce. With basic low-fat cooking techniques (stir-frying, cooking in parchment, grilling), the 10 best ways to boost flavor without adding fat (including marinades, dressings, and herbs and spices), and simple tools for low-calorie cooking (cast-iron skillet, steamer basket, grill pan), *Everyday Food: Light* helps you cook the food you want to eat, without all the fat.

FLANK STEAK
WITH SNAP-PEA
AND ASPARAGUS
STIR-FRY

WHY IT'S LIGHT

Just one tablespoon of oil is used to cook all of the steak, snap peas, and asparagus.

serves 4 ■ prep time: 35 minutes

total time: 35 minutes

1 Cook rice according to package instructions. Meanwhile, in a large skillet, heat oil over medium-high. Season steak with salt and pepper; cook 4 to 6 minutes per side for medium-rare. Transfer to a plate, and tent with foil.

2 Place snap peas, asparagus, garlic, red-pepper flakes, and the water in skillet. Cook, tossing, until vegetables are crisp-tender, 3 to 5 minutes. Add soy sauce and vinegar; toss to combine.

3 Slice steak thinly across the grain. Serve steak, vegetables, and rice drizzled with pan juices.

Note: Snipping Snaps

To trim, cut off stem end with a knife. Or, if the string is especially tough, snap off stem end with fingers, and pull string down the pod.

per serving: 441 calories; 13.3 g fat (4.4 g saturated fat); 30.9 g protein; 46.8 g carbohydrates; 3.2 g fiber

- 1 cup uncooked long-grain white rice
- 1 tablespoon vegetable oil, such as safflower
- 1 pound flank steak
- Coarse salt and ground pepper
- 8 ounces sugar snap peas, trimmed
- 1 bunch asparagus (1 pound), tough ends removed, cut into 2-inch lengths
- 4 garlic cloves, thinly sliced
- ¹/₂ teaspoon red-pepper flakes
- ¹/₄ cup water
- 2 tablespoons soy sauce
- 2 tablespoons rice vinegar

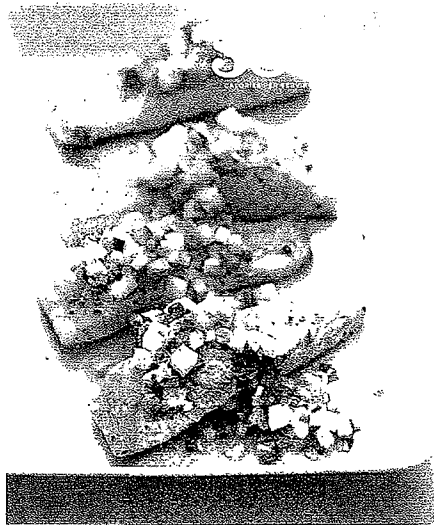
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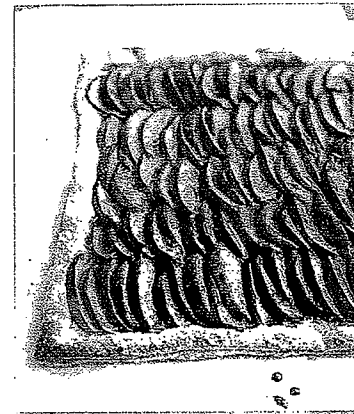
To improve flavor and moistness, cook the salmon fillets with the skins on. The skins will cook to a delightful crisp, but you can remove them before serving if desired.

SALMON WITH SPICY CUCUMBER-PINEAPPLE SALSA

SERVES 4 • PREP TIME 15 MIN • TOTAL TIME 25 MINUTES

1. Preheat oven to 400°F.
2. Line a baking sheet with parchment paper.
3. Place salmon fillets on the sheet, skin side down.
4. Bake for 10 minutes.
5. Remove from oven and let cool for 5 minutes.
6. Remove the skin from the salmon.

7. In a medium bowl, mix together the juice of 1 lime, 1/2 cup diced pineapple, 1/2 cup diced cucumber, 1/4 cup diced red onion, 1/4 cup diced jalapeño, 1/4 cup diced tomato, 1/4 cup diced avocado, 1/4 cup diced mango, 1/4 cup diced kiwi, 1/4 cup diced papaya, 1/4 cup diced guava, 1/4 cup diced passion fruit, 1/4 cup diced dragon fruit, 1/4 cup diced rambutan, 1/4 cup diced lychee, 1/4 cup diced jackfruit, 1/4 cup diced cashew, 1/4 cup diced almond, 1/4 cup diced walnut, 1/4 cup diced pecan, 1/4 cup diced hazelnut, 1/4 cup diced pistachio, 1/4 cup diced macadamia, 1/4 cup diced Brazil nut, 1/4 cup diced cashew, 1/4 cup diced almond, 1/4 cup diced walnut, 1/4 cup diced pecan, 1/4 cup diced hazelnut, 1/4 cup diced pistachio, 1/4 cup diced macadamia, 1/4 cup diced Brazil nut.
8. Season with salt and pepper.
9. Serve the salmon with the salsa.



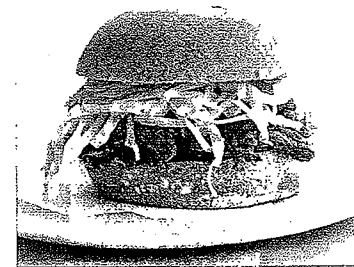
For beefy taste without excess fat, pick ground sirloin instead of chuck. This chili is also bulked up with extra portions of beans and tomatoes. Cocoa powder adds complexity but not sweetness. Briefly cooking the cocoa, chili powder, and tomato paste before adding the beef helps intensify their flavors.

LIGHTER BEEF CHILI

SERVES 6 • PREP TIME 15 MIN • TOTAL TIME 40 MINUTES

1. Preheat oven to 400°F.
2. Line a baking sheet with parchment paper.
3. Place ground sirloin on the sheet.
4. Bake for 10 minutes.
5. Remove from oven and let cool for 5 minutes.
6. Remove the skin from the sirloin.

7. In a medium bowl, mix together the juice of 1 lime, 1/2 cup diced pineapple, 1/2 cup diced cucumber, 1/4 cup diced red onion, 1/4 cup diced jalapeño, 1/4 cup diced tomato, 1/4 cup diced avocado, 1/4 cup diced mango, 1/4 cup diced kiwi, 1/4 cup diced papaya, 1/4 cup diced guava, 1/4 cup diced passion fruit, 1/4 cup diced dragon fruit, 1/4 cup diced rambutan, 1/4 cup diced lychee, 1/4 cup diced jackfruit, 1/4 cup diced cashew, 1/4 cup diced almond, 1/4 cup diced walnut, 1/4 cup diced pecan, 1/4 cup diced hazelnut, 1/4 cup diced pistachio, 1/4 cup diced macadamia, 1/4 cup diced Brazil nut.
8. Season with salt and pepper.
9. Serve the sirloin with the salsa.



TOMATO SALAD WITH OLIVES AND LEMON ZEST

1. Preheat oven to 400°F.
2. Line a baking sheet with parchment paper.
3. Place tomatoes on the sheet.
4. Bake for 10 minutes.
5. Remove from oven and let cool for 5 minutes.
6. Remove the skin from the tomatoes.

WHITE BEAN SALAD WITH ZUCCHINI AND PARMESAN

1. Preheat oven to 400°F.
2. Line a baking sheet with parchment paper.
3. Place zucchini on the sheet.
4. Bake for 10 minutes.
5. Remove from oven and let cool for 5 minutes.
6. Remove the skin from the zucchini.

SESAME GREEN BEANS

1. Preheat oven to 400°F.
2. Line a baking sheet with parchment paper.
3. Place green beans on the sheet.
4. Bake for 10 minutes.
5. Remove from oven and let cool for 5 minutes.
6. Remove the skin from the green beans.

ROSEMARY-GARLIC POTATOES

1. Preheat oven to 400°F.
2. Line a baking sheet with parchment paper.
3. Place potatoes on the sheet.
4. Bake for 10 minutes.
5. Remove from oven and let cool for 5 minutes.
6. Remove the skin from the potatoes.

